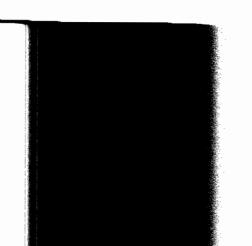
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	Rev. January 2006
HIBERTY MUTUAL INSURANCE Co	
Plaintiff(s), - against -	CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER
COLUMBUS CONSTRUCTION CORP,	07 Civ2857 (LM)
COLUMBUS CONSTRUCTION CORP, CANAL ASPHALT, FNC. and Defendant(s)	). :
	e ready for trial on or after Dec. 1, 200
The following Civil Case Discovery Plan an with counsel for the parties, pursuant to Rules 26(f)	d Scheduling Order is adopted, after consultation and 16 of the Federal Rules of Civil Procedure.
The case (is) (is not) to be tried to a jury.	
Joinder of additional parties must be accomplished	by JULY 13, 2007.
Amended pleadings may be filed until	IULY 13, 2007.
Discovery:	
1. Interrogatories are to be served by all counsel no responses to such interrogatories shall be served wit Local Civil Rule 33.3 (shall) (shall not) apply to this	hin thirty (30) days thereafter. The provisions of
2. First request for production of documents, if any	, to be served no later than TULY 13, 2007
3. Depositions to be completed by SEPTE	MBER 30, 2007
until all parties have responded to an b. Depositions shall proceed concurrent	ne Court so orders, depositions are not to be held ny first requests for production of documents. tly. gree otherwise or the Court so orders, non-party
depositions shall follow party depos d. If the defense of qualified immunity be asserted by any defendant(s) with	



plaintiff(s) at least concerning all facts relevant to the issue of qualified immunity. Within thirty (30) days thereafter defendant(s) shall serve consistent with Local Rule 6.1 and file a motion under Rule 12(c) or Rule 56, returnable on a date posted in

the New York Law Journal by Judge Brieant for hearing motions. The motion shall, in the absence of agreement of counsel, be limited to the issue of qualified immunity, and plaintiff(s) version of the events shall be assumed true for purposes of the motion. Failure to comply with this provision of this Order shall operate as a waiver of the opportunity to resolve the issue of qualified immunity by motion prior to

4.	Any further interrogatories, including expert interrogatories, to be served no later than $OCTORER 12, 2007$ .	
5.	Requests to Admit, if any to be served no later than OCTOTSER 31, 2007.	
6.	Additional provisions relating to discovery agreed upon by counsel for the parties (are) (are not) attached and made a part hereof.	
7.	All discovery is to be complete by Nov EMBER 30, 2007	
	Dispositive motions, if any, must be served on notice as required by Local Civil Rule 6.1, and e returnable before the Court on a published motion day, no later than three weeks before the for trial date.	
	Next Case Management Conference $12/7/07-9.00$ . (This date will be set by the Court at the first conference)	
	Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the	
Court s	This case has been designated to the Hon. Lua In DKILL, United States	
	This case has been designated to the Hon. Kura The World States, United States	
Magist	rate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial	
under 2	28 U.S.C. § 636(c) if counsel execute their consent in writing.	

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court or the assigned Magistrate Judge acting under a specific reference order.

Upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

SO ORDERED.

June 1, 2007